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NOTICE OF ALLOWANCE AND FEE(S) DUE

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04/14/2003

MILA KASAN, PATENT DEPT. APPLIED BIOSYSTEMS 850 LINCOLN CENTRE DRIVE FOSTER CITY, CA 94404

EXAMINER			
RILE	Y, JEZIA		
ART UNIT	CLASS-SUBCLASS		
71637	435-006000		

DATE MAILED: 04/14/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,753	07/28/2000	Kenneth J Livak	4264C5	2446

TITLE OF INVENTION: HYBRIDIZATION ASSAY USING SELF-QUENCHING FLUORESCENCE PROBE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	07/14/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED.</u> THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

 Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

1!I. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE

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Please check the appropriate assignee category or categories (will not be printed on the patent) Please check the appropriate assignee category or categories (will not be printed on the patent) A. The following fee(s) are enclosed: Dissue Fee Publication Fee Advance Order - # of Copies Deposit Account Number Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified about the table than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	3. ASSIGNEE NAME AND	RESIDENCE DATA TO	BE PRINTED ON TH	E PATENT (print or	type)		·	
4a. The following fee(s) are enclosed: 4b. Payment of Fee(s): A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. Advance Order - # of Copies Deposit Account Number Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified about the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	been previously submitted t	o the USPIO or is being s	submitted under separa	te cover. Completion	of this form is N	OT a substitute for filing an assig	e when an assignment has inment.	
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□ Publication Fee □ Advance Order - # of Copies □ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpay Deposit Account Number under this form). Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. (Authorized Signature) (Date) NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	_	nerood.	_		of the fee(s) is end	closed.		
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NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	(Authorized Cienature)		(D.)					
other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	(Authorized Signature)		(Date)					
This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an	other than the applicant; a interest as shown by the rece	registered attorney or a ords of the United States I	gent; or the assignee Patent and Trademark (or other party in Office.				
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APPLICATION NO	, F	ILING DATE	FIRST NAMED INVENTOR ATTORNEY DOCKET NO. C		CONFIRMATION NO.	
09/627,753		07/28/2000	Kenneth J Livak	4264C5 2446		
22896	7590	04/14/2003		EXAMINI	ER	
	MILA KASAN, PATENT DEPT. APPLIED BIOSYSTEMS			RILEY, JEZIA		
850 LINCOLN CENTRE DRIVE FOSTER CITY, CA 94404				ART UNIT	PAPER NUMBER	
		-	1637			
		•		DATE MAILED: 04/14/2003		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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APPLICATION NO	APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/627,753 07/28/2000		07/28/2000	Kenneth J Livak	4264C5	2446	
22896	7590	04/14/2003		EXAMINI	ER	
MILA KASA	N, PATE	NT DEPT.		RILEY, JE	EZIA	
APPLIED BIG 850 LINCOLI				ART UNIT	PAPER NUMBER	
FOSTER CIT	FOSTER CITY, CA 94404			1637		
UNITED STATES				DATE MAILED: 04/14/2003		

Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: http://www.uspto.gov/main/howtofees.htm.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)
Notice of Allowahility	09/627,753	LIVAK ET AL.
Notice of Allowability	Examiner	Art Unit
	Jezia Riley	1637
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS therewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIP of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to	olication. If not included will be mailed in due course. THIS
 This communication is responsive to <u>Terminal Disclaimer 1</u> The allowed claim(s) is/are <u>39 and 40</u>. The drawings filed on are accepted by the Examine 4. Acknowledgment is made of a claim for foreign priority und a) All b) Some* c) None of the: Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Acknowledgment is made of a claim for domestic priority und a) The translation of the foreign language provisional and allowed provisional allowed provisional and allowed provisional and allowed provisional and allowed provisional and allowed provisional allowed provisional allowed provisional and allowed provisional allowed provisional and allowed provisional allowed pr	r. ler 35 U.S.C. § 119(a)-(d) or (f). been received. been received in Application No cuments have been received in this r	national stage application from the
6. Acknowledgment is made of a claim for domestic priority unapplicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of the comply will result in ABANDONMENT of the comply will result in ABANDONMENT of the complex priority. 7. A SUBSTITUTE OATH OR DECLARATION must be submitted in the complex priority. NFORMAL PATENT APPLICATION (PTO-152) which gives reas	this communication to file a reply co this application. THIS THREE-MON itted. Note the attached EXAMINER	ITH PERIOD IS NOT EXTENDABLE 'S AMENDMENT or NOTICE OF
B. CORRECTED DRAWINGS must be submitted. (a) including changes required by the Notice of Draftspers. 1) hereto or 2) to Paper No. (b) including changes required by the proposed drawing of the composed drawing of the composed drawing changes required by the attached Examiner' Identifying indicia such as the application number (see 37 CFR 1 of each sheet. The drawings should be filed as a separate paper	correction filed, which has be s Amendment / Comment or in the C	een approved by the Examiner. Office action of Paper No
9. ☐ DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT FOR T	sit of BIOLOGICAL MATERIAL m HE DEPOSIT OF BIOLOGICAL MAT	nust be submitted. Note the FERIAL.
Attachment(s)		
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449), Paper No	4☐ Interview Summa 6☐ Examiner's Amer	al Patent Application (PTO-152) ary (PTO-413), Paper No Independent/Comment ment of Reasons for Allowance JEZIA RILEY PRIMARY EXAMINER